

## SAFE DRINKING WATER ACT

### Act 399 of 1976

AN ACT to protect the public health; to provide for supervision and control over public water supplies; to prescribe the powers and duties of the department of environmental quality; to provide for the submission of plans and specifications for waterworks systems and the issuance of construction permits therefor; to provide for capacity assessments and source water assessments of public water supplies; to provide for the classification of public water supplies and the examination, certification and regulation of persons operating those systems; to provide for continuous, adequate operation of privately owned, public water supplies; to authorize the promulgation of rules to carry out the intent of the act; to create the water supply fund; to provide for the administration of the water supply fund; and to provide penalties.

**History:** 1976, Act 399, Imd. Eff. Jan. 4, 1977 ;-- Am. 1993, Act 165, Imd. Eff. Sept. 16, 1993 ;-- Am. 1998, Act 56, Imd. Eff. Apr. 8, 1998

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*The People of the State of Michigan enact:*

#### **325.1001 Short title.**

Sec. 1.

This act shall be known and may be cited as the "safe drinking water act".

**History:** 1976, Act 399, Imd. Eff. Jan. 4, 1977

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#### **325.1001a Legislative intent; water resources research institutes.**

Sec. 1a.

It is the intent of the legislature to provide adequate water resources research institutes and other facilities within the state of Michigan so that the state may assure the long-term health of its public water supplies and other vital natural resources.

**History:** Add. 1998, Act 56, Imd. Eff. Apr. 8, 1998

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#### **325.1002 Definitions.**

Sec. 2.

As used in this act:

(a) "Bottled drinking water" means water that is ultimately sold, provided, or offered for human consumption in a closed container.

(b) "Capacity assessment" means an evaluation of the technical, financial, and managerial capability of a community supply or nontransient noncommunity water supply to comply and maintain compliance with all requirements of this act and the

rules promulgated under this act.

(c) "Community supply" means a public water supply that provides year-round service to not fewer than 15 living units or which regularly provides year-round service to not fewer than 25 residents.

(d) "Contaminant" means a physical, chemical, biological, or radiological substance or matter in water.

(e) "Customer service connection" means the pipe between a water main and customer site piping or building plumbing system.

(f) "Customer site piping" means an underground piping system owned or controlled by the customer that conveys water from the customer service connection to building plumbing systems and other points of use on lands owned or controlled by the customer. Customer site piping does not include any system that incorporates treatment to protect public health.

(g) "Department" means the department of environmental quality or its authorized agent or representative.

(h) "Director" means the director of the department of environmental quality or his or her authorized agent or representative.

(i) "Imminent hazard" means that in the judgment of the director there is a violation, or a condition that may cause a violation, of the state drinking water standards at a public water supply requiring immediate action to prevent endangering the health of people.

(j) "Living unit" means a house, apartment, or other domicile occupied or intended to be occupied on a day to day basis by an individual, family group, or equivalent.

(k) "Noncommunity supply" means a public water supply that is not a community supply, but that has not less than 15 service connections or that serves not fewer than 25 individuals on an average daily basis for not less than 60 days per year.

(l) "Nontransient noncommunity water supply" means a noncommunity public water supply that serves not fewer than 25 of the same individuals on an average daily basis over 6 months per year. This definition includes water supplies in places of employment, schools, and day-care centers.

(m) "Person" means an individual, partnership, copartnership, cooperative, firm, company, public or private association or corporation, political subdivision, agency of the state, agency of the federal government, trust, estate, joint structure company, or any other legal entity, or their legal representative, agent, or assigns.

(n) "Plans and specifications" means drawings, data, and a true description or representation of an entire waterworks system or parts of the system as it exists or is to be constructed, and a statement on how a waterworks system is to be operated.

(o) "Political subdivision" means a city, village, township, charter township, county, district, authority or portion or combination thereof.

(p) "Public water supply" means a waterworks system that provides water for drinking or household purposes to persons other than the supplier of the water, and does not include either of the following:

(i) A waterworks system that supplies water to only 1 living unit.

(ii) A waterworks system that consists solely of customer site piping.

(q) "State drinking water standards" means quality standards setting limits for contaminant levels or establishing treatment techniques to meet standards necessary to protect the public health.

(r) "Service connection" means a direct connection from a distribution water main to a living unit or other site to provide water for drinking or household purposes.

(s) "Source water assessment" means a state program to delineate the boundaries of areas in the state from which 1 or more public water supplies receive supplies of

drinking water, to identify contaminants regulated under this act for which monitoring is required because the state has determined they may present a threat to public health, and, to the extent practical, to determine the susceptibility of the public water supply in the delineated area to these contaminants.

(t) "Supplier of water" or "supplier" means a person who owns or operates a public water supply, and includes a water hauler.

(u) "Transient noncommunity water supply" means a noncommunity supply that does not meet the definition of nontransient noncommunity water supply.

(v) "Water hauler" means a person engaged in bulk vehicular transportation of water to other than the water hauler's own household which is intended for use or used for drinking or household purposes. Excluded from this definition are those persons providing water solely for employee use.

(w) "Water main" means a pipe owned or controlled by a supplier that may convey water to a customer service connection or to a fire hydrant.

(x) "Waterworks system" or "system" means a system of pipes and structures through which water is obtained and distributed, including but not limited to wells and well structures, intakes and cribs, pumping stations, treatment plants, storage tanks, pipelines and appurtenances, or a combination thereof, actually used or intended for use for the purpose of furnishing water for drinking or household purposes.

(y) "Year-round service" means the ability of a supplier of water to provide drinking water on a continuous basis to a living unit or facility.

**History:** 1976, Act 399, Imd. Eff. Jan. 4, 1977 ;-- Am. 1989, Act 34, Imd. Eff. May 31, 1989 ;-- Am. 1993, Act 165, Imd. Eff. Sept. 16, 1993 ;-- Am. 1998, Act 56, Imd. Eff. Apr. 8, 1998

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### **325.1003 Power and control over public water supplies and suppliers of water; inspection of waterworks system.**

Sec. 3.

Subject to limitations contained in this act, the department shall have power and control over public water supplies and suppliers of water. The director may enter upon the waterworks system of a supplier of water at reasonable times for the purpose of inspecting the system and carrying out this act and rules promulgated under this act.

**History:** 1976, Act 399, Imd. Eff. Jan. 4, 1977

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### **325.1003a Exemption of agricultural employer from well inspection fees; definitions.**

Sec. 3a.

(1) An agricultural employer using a well to provide water for employee use is exempt from any well inspection fees that may be or are imposed under this act or rules promulgated under this act.

(2) As used in this section:

(a) "Agricultural employer" means a person, corporation, association, or other legal entity that employs 1 or more persons in hand labor operations for the production

of food, fiber, or other agricultural products including seed, seedlings, plants, or parts of plants.

(b) "Hand labor operations" means agricultural activities performed by hand or with hand tools and includes the cultivating, weeding, planting, and harvesting of vegetables, nuts, fruits, seedlings, and other crops, including mushrooms; packing produce by hand into containers, whether done on the ground, on a moving machine, or in a temporary packing shed located in a field; and operations performed in conjunction with hand labor operations. Hand labor operations does not include logging operations, the care or feeding of livestock, or activities conducted in permanent structures, including canning facilities or packing houses.

**History:** Add. 1989, Act 34, Imd. Eff. May 31, 1989

**Admin Rule:** R 325.10101 et seq. of the Michigan Administrative Code.

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**325.1003b Department of environmental quality; powers; conduct of capacity assessment or source water assessment; availability of records to department.**

Sec. 3b.

(1) The department may do 1 or more of the following:

(a) Conduct a capacity assessment at a community supply, a nontransient noncommunity water supply, or a public water supply applying to the department for assistance under part 54 of the natural resources and environmental protection act, 1994 PA 451, MCL 324.5401 to 324.5418.

(b) Conduct a source water assessment at a public water supply.

(c) Enter the facilities and business offices used in the operation of a public water supply.

(2) Public water supplies shall make available to the department records needed to conduct a capacity assessment or source water assessment. The department may request information in writing or during on-site visits to conduct capacity assessments or source water assessments.

**History:** Add. 1998, Act 56, Imd. Eff. Apr. 8, 1998

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**325.1004 Filing plans and specifications of waterworks system; general plan of waterworks system; evaluation of proposed system; capacity assessment; return or rejection of plans and specifications; plans and specifications for improvements; permit for construction; violation; permit as condition to expenditures; conditions for denial of permit.**

Sec. 4.

(1) A supplier of water shall file with the department the plans and specifications of the entire waterworks system owned or operated by the supplier, unless the department determines that its existing records are adequate. A general plan of the waterworks system for each public water supply shall be provided to the department by a supplier of water and shall be updated as determined necessary by the department.

(2) Upon receipt of the plans and specifications for a proposed waterworks system, the department shall evaluate the adequacy of the proposed system to protect the public health by supplying water meeting the state drinking water standards. The

department shall also conduct a capacity assessment for a proposed community supply or nontransient noncommunity water supply and determine if the system has the technical, financial, and managerial capacity to meet all requirements of this act and the rules promulgated under this act, on the date of commencement of operations. If upon evaluation the department determines the plans and specifications to be inadequate or the capacity assessment shows the system to be inadequate, the department may return the plans and specifications to the applicant and require additions or modifications as may be appropriate. The department may reject plans and specifications for a waterworks system which it determines will not satisfactorily provide for the protection of the public health. The department may deny a permit for construction of a proposed community supply or a nontransient noncommunity water supply if the capacity assessment shows that the proposed system does not have adequate technical, financial, or managerial capacity to meet the requirements of this act and the rules promulgated under this act.

(3) Before commencing the construction of a waterworks system or an alteration, addition, or improvement to a system, a supplier of water shall submit the plans and specifications for the improvements to the department and secure from the department a permit for construction of the same as provided by rule. Plans and specifications submitted to the department shall be prepared by a professional engineer licensed under article 20 of the occupational code, 1980 PA 299, MCL 339.2001 to 339.2014. A contractor, builder, or supplier of water shall not engage in or begin the construction of a waterworks system or an alteration, addition, or improvement thereto until a valid permit for the construction has been secured from the department. A contractor, builder, or supplier of water who permits or allows construction to proceed without a valid permit, or in a manner not in accordance with the plans and specifications approved by the department, violates this act. A supplier of water shall not issue a voucher or check or in any other way expend money or provide consideration for construction of a waterworks system unless a valid permit issued by the department is in effect.

(4) The department may deny a permit for construction of a waterworks system or an alteration, addition, or improvement to a waterworks system if the most recent capacity assessment shows that the waterworks system does not have adequate technical, financial, or managerial capacity to meet the requirements of this act and the rules promulgated under this act, and the deficiencies identified in that capacity assessment remain uncorrected, unless the proposed construction will remedy the deficiencies.

**History:** 1976, Act 399, Imd. Eff. Jan. 4, 1977 ;-- Am. 1998, Act 56, Imd. Eff. Apr. 8, 1998

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### **325.1005 Rules.**

#### **Sec. 5.**

(1) The department shall promulgate and enforce rules to carry out this act pursuant to the administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328. The rules, at a minimum, shall include the following:

(a) Requirements for the submission of reports, plans, and specifications for the design and construction of a waterworks system or a part thereof, and a plan for operating and maintaining all or a part of the waterworks system, including the protection of water quality within the distribution system as necessary to protect

the public health.

(b) State drinking water standards and associated monitoring requirements, the attainment and maintenance of which are necessary to protect the public health.

(c) The classification of waterworks systems or portions thereof, the examination for certification of the operators of those systems including shift operators of water treatment systems, and for the issuance, suspension, and revocation of certificates.

(d) Criteria for capacity assessments performed by the department at community supplies, nontransient noncommunity water supplies, or a public water supply applying to the department for assistance under part 54 of the natural resources and environmental protection act, 1994 PA 451, MCL 324.5401 to 324.5418.

(e) Requirements for provision of facilities by public water supplies that will assure an adequate and reliable supply of drinking water on a continuous basis.

(2) Rules governing public water supplies promulgated under former 1913 PA 98, and which were in effect on January 4, 1977 are continued in accordance with section 31 of the administrative procedures act of 1969, 1969 PA 306, MCL 24.231, and may be amended or rescinded by the director under this act.

(3) No rule promulgated may require the addition of any substance for preventive health care purposes unrelated to contamination of drinking water.

**History:** 1976, Act 399, Imd. Eff. Jan. 4, 1977 ;-- Am. 1998, Act 56, Imd. Eff. Apr. 8, 1998

**Admin Rule:** R 325.10101; R 325.10102 et seq.; R 325.10308b; R 325.10401 et seq.; R 325.10604a et seq.; R 325.10702 et seq.; R 325.11002; R 325.11008; R 325.11502 et seq. of the Michigan Administrative Code.

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### **325.1005a Customer site piping; limitations.**

Sec. 5a.

(1) A supplier of water for a community supply shall not use customer site piping as a means to convey water to other portions of the supplier's system.

(2) A supplier of water for a community supply shall not provide water service to customer site piping if an impact on the water quality of the public water supply has occurred or could reasonably be expected to occur as a result of the service. A supplier of water may discontinue water service to customer site piping as the supplier of water or the department considers necessary to protect the health of the public water supply customers.

**History:** Add. 1993, Act 165, Imd. Eff. Sept. 16, 1993

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### **325.1006 Maximum contaminant levels; incorporation by reference.**

Sec. 6.

The maximum contaminant levels for inorganic and organic chemicals, microbiological contaminants and turbidity, which are part of the national interim primary drinking water regulations, and which have been promulgated by the United States environmental protection agency under authority of Public Law 93-523 (1974) before this act taking effect, are hereby incorporated by reference and shall have the same force and effect as a rule promulgated pursuant to this act. A

standard which is incorporated by reference pursuant to this subsection shall remain effective until a rule is promulgated pursuant to this act which covers the same or similar subject or the standard is rescinded by rule promulgated pursuant to this act.

**History:** 1976, Act 399, Imd. Eff. Jan. 4, 1977

**Admin Rule:** R 325.10101 et seq. of the Michigan Administrative Code.

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**325.1007 Collecting and analyzing water samples; reporting results of analyses; failure of supplier to comply; appeal; disposition of administrative fines.**

Sec. 7.

(1) The supplier of water shall collect water samples or have them collected on a schedule at least equal to that outlined in the rules, shall cause those samples to be analyzed in the state laboratory or a laboratory certified by the department or by the United States environmental protection agency for contaminants listed in the state drinking water standards, and shall report the results of the analyses to the department in a timely manner as specified in the rules.

(2) If a supplier of water who serves a population of 10,000 or fewer individuals fails to comply with subsection (1), the department may do any of the following:

(a) Impose against that supplier an administrative fine of \$200.00 for each failure to collect and have analyzed a water sample required under this act.

(b) For each failure to collect and have analyzed a water sample required under this act within the 12-month period following a failure described in subdivision (a), impose against that supplier an administrative fine of \$400.00.

(c) In addition to an administrative fine imposed under subdivision (a) or (b), obtain a sampling or analysis or both required under this act at the supplier's cost.

(d) Proceed pursuant to section 22.

(3) If a supplier of water serving a population of 10,000 or less fails to meet state drinking water standards, the department may do any of the following:

(a) Impose against that supplier an administrative fine of not less than \$400.00 per day per violation and not more than \$1,000.00 per day per violation. An administrative fine for a single violation shall not exceed a cumulative total of \$2,000.00.

(b) Proceed pursuant to section 22.

(4) If a supplier of water serving a population of more than 10,000 fails to comply with state drinking water standards or any monitoring or reporting requirement, the department may do any of the following:

(a) Impose against that supplier an administrative fine of not less than \$1,000.00 per day per violation and not more than \$2,000.00 per day per violation. An administrative fine for a single violation may not exceed a cumulative total of \$10,000.00.

(b) In addition to an administrative fine imposed under subdivision (a), obtain at the supplier's cost water samples and secure analyses of the water samples at a certified laboratory if monitoring has not met minimum requirements under this act.

(c) Proceed pursuant to section 22.

(5) A supplier may appeal an administrative fine imposed under this section pursuant to the administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328.

(6) Administrative fines collected under this section shall be forwarded to the state treasurer for deposit into the state drinking water revolving fund established under section 16b of the shared credit rating act, 1985 PA 227, MCL 141.1066b.

**History:** 1976, Act 399, Imd. Eff. Jan. 4, 1977 ;-- Am. 1993, Act 165, Imd. Eff. Sept. 16, 1993 ;-- Am. 1998, Act 56, Imd. Eff. Apr. 8, 1998

**Admin Rule:** R 325.10101; R 325.10102 et seq.; R 325.10308b; R 325.10401 et seq.; R 325.10604a et seq.; R 325.10702 et seq.; R 325.11002; R 325.11008; R 325.11502 et seq. of the Michigan Administrative Code.

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### **325.1008 Design and operation standards of public water supplies; considerations; purpose.**

Sec. 8.

The department shall give due consideration to the size, type, location, and other conditions at public water supplies for the purpose of specifying design and operation standards, and for the purpose of establishing criteria for capacity assessments.

**History:** 1976, Act 399, Imd. Eff. Jan. 4, 1977 ;-- Am. 1998, Act 56, Imd. Eff. Apr. 8, 1998

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### **325.1009 Classification of water treatment and distribution systems; advisory board of examiners; certificates of competency; supervision of public water supply; individuals eligible for certificate; certificate renewal.**

Sec. 9.

(1) The department shall classify public water supplies, including water treatment and distribution systems at community supplies with regard to size, type, location, and other physical conditions for the purpose of establishing the skill, knowledge, and experience that individuals need to maintain and operate the systems effectively.

(2) The director shall appoint an advisory board of examiners which shall assist the department in the examination of individuals as to their competency to operate water treatment systems and water distribution systems. The advisory board shall make recommendations to the department relative to the certification of those individuals.

(3) The membership of the advisory board shall consist of 2 certified water treatment operators, 2 certified water distribution operators, 1 superintendent or manager of a supplier of water, 1 representative of the administrative branch of a local governmental agency, 2 members of the public at large, and 1 professor of sanitary or environmental engineering at a university in the state. A representative of the department shall be the nonvoting secretary for the board.

(4) For individuals meeting the requirements, the department shall issue certificates acknowledging their competency to operate a specified class of waterworks system or portion of waterworks system. The department may suspend or revoke a certificate as specified by rule.

(5) A public water supply shall be under the supervision of a properly certified operator as specified in the rules.



(6) Those individuals now certified to operate water treatment systems under certification rules promulgated under this act, and those meeting the requirements of the voluntary distribution system operator certification program administered by the department, shall be considered to meet the requirements of this section and shall be issued a certificate in an appropriate class in accordance with the certifications system established under this act.

(7) Those individuals who are superintendents of distribution systems shall be considered to meet the requirements of this section only for the waterworks system by which they are now employed, and shall be issued a certificate for continuing operation of that distribution system upon receipt by the department of a completed application by January 4, 1978.

(8) Operators certified under this act shall be required to renew their certificates in accordance with rules promulgated under this act, including mandatory continuing education or competency demonstration.

**History:** 1976, Act 399, Imd. Eff. Jan. 4, 1977 ;-- Am. 1993, Act 165, Imd. Eff. Sept. 16, 1993 ;-- Am. 1998, Act 56, Imd. Eff. Apr. 8, 1998

**Admin Rule:** R 325.10101 et seq. of the Michigan Administrative Code.

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**325.1010 Approval of privately owned public water supply; escrow account to correct deficiencies in public water supply; compliance with subsections (1) and (2) by private purchaser.**

Sec. 10.

(1) The department shall not approve a privately owned public water supply that serves a group of living units, unless by resolution of its governing body the city, village, or township in which the water supply is to be located refuses to accept ownership and operational responsibility of the public water supply.

(2) If a local governmental agency does not accept ownership and operational responsibility of a public water supply that serves a group of living units, the department may issue a construction permit or other approval for an acceptable project requiring as a condition of the permit an appropriate amount, but not more than \$50,000.00, based on the size, type, and complexity of the waterworks system, to be placed in escrow by the developer or private owner. The department may remove funds from this escrow account to cause deficiencies to be corrected if the public water supply is not operated, maintained, and expanded as necessary to protect the public health. If it is necessary for the department to withdraw funds from an escrow account, the funds shall be replaced within 90 days by the developer, private owner, or organization then responsible for the public water supply.

(3) The department may reduce or eliminate any escrow account established under this section after 5 years of operation and maintenance considered satisfactory by the department.

(4) Before the transfer of ownership of a privately owned public water supply, a private purchaser shall comply with subsections (1) and (2) of this section.

**History:** 1976, Act 399, Imd. Eff. Jan. 4, 1977 ;-- Am. 1993, Act 165, Imd. Eff. Sept. 16, 1993

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**325.1011 Review and certification of laboratories testing water.**

Sec. 11.

The department shall review and certify laboratories used or intended for use in the testing of water from public water supplies.

**History:** 1976, Act 399, Imd. Eff. Jan. 4, 1977

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**325.1011a Community supply provider; annual fees; schedule; adjustment; payment; failure to submit timely payment; penalty; collection.**

Sec. 11a.

(1) The department shall impose an annual fee on each community supply provider in accordance with the following fee schedule:

More than 500,000	\$83,800.00
100,001-500,000	\$17,400.00
50,001-100,000	\$11,000.00
25,001-50,000	\$ 6,500.00
10,001-25,000	\$ 3,500.00
5,001-10,000	\$ 1,900.00
1,001-5,000	\$ 800.00
401-1,000	\$ 500.00
101-400	\$ 400.00
25-100	\$ 250.00

(2) The annual fee in this section shall be adjusted on October 1 each year following the effective date of this section by applying a percentage adjustment using the Detroit consumer price index. The fee may also be adjusted as the result of increased federal funding or a reduction in actual costs, as determined by the department.

(3) Each community supply provider shall pay the annual fee by November 30 each year. Failure to submit timely payment will result in assessment of a penalty of 9% per annum until the fee and assessment are paid in full. The department of treasury shall collect each penalty.

**History:** Add. 1993, Act 165, Imd. Eff. Sept. 16, 1993

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**325.1011b Noncommunity supply provider; annual fees; schedule; adjustment; fee on 5 or more noncommunity supplies under same ownership on contiguous properties; payment; penalty on delinquent fees; exemption from annual fee in subsection (1); services provided by department not required.**

Sec. 11b.

(1) The department shall impose an annual fee on each noncommunity supply provider in accordance with the following fee schedule:

Nontransient noncommunity supply	\$ 360.00
Transient noncommunity supply	\$ 85.00

- (2) The annual fee in this section shall be adjusted on October 1 each year following the effective date of this section by applying the percentage adjustment using the Detroit consumer price index.
- (3) For 5 or more noncommunity supplies under the same ownership on contiguous properties, the annual fee per noncommunity supply is 75% of the fee identified in subsection (1).
- (4) A noncommunity supply provider shall pay the annual fee by November 30 each year. After November 30 of each year that a fee is not paid, the department of treasury shall collect from the nonpaying noncommunity supply provider a penalty of \$25.00 for each month or portion of a month.
- (5) A noncommunity supply provider that has completed construction of a new well or replacement well in compliance with a construction permit issued by a local health department is exempt from paying the first annual fee described in subsection (1) after final approval of the well is received.
- (6) The department is not required to perform sanitary surveys or other services to maintain compliance with this act on behalf of a noncommunity supply provider who has not paid the current annual fee or appropriate penalties.

**History:** Add. 1993, Act 165, Imd. Eff. Sept. 16, 1993

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**325.1011c Laboratory review and certification; service fees; adjustment; duration of certification.**

Sec. 11c.

- (1) The department shall review and certify laboratories used or intended for use in the testing of water from public water supplies where analyses are used to determine compliance with state drinking water standards. The department shall impose a fee for this service in accordance with the following fee schedule:

Type of Laboratory Certification Service	Fee Per Laboratory
Bacteriology, including chlorine residual and turbidity	\$1,625.00
Inorganic chemistry	\$2,435.00
Organic chemistry	\$2,435.00
Inorganic and organic chemistry (both), or either combined with bacteriology	\$3,045.00
Bacteriology, inorganic chemistry, and organic chemistry (all 3)	\$4,285.00
Nitrate, nitrite, sulfate, cyanide, and fluoride only	\$ 520.00
Lead and copper	\$1,220.00
Laboratory water suitability test (required annually)	\$ 260.00

- (2) The fees in this section shall be adjusted on October 1 each year following the effective date of this section by applying a percentage adjustment using the Detroit consumer price index.
- (3) Unless otherwise noted, a certification under this section is valid for 3 years from the date of certification and the fee per laboratory is for the entire 3-year period.

**History:** Add. 1993, Act 165, Imd. Eff. Sept. 16, 1993

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**325.1011d Water supply fund; creation; administration; capitalization;**

**retention and expenditure of funds.**

Sec. 11d.

(1) The water supply fund is created in the state treasury and shall be administered by the department. The fund is capitalized by revenues collected pursuant to sections 11a, 11b, and 11c. The fund shall additionally receive money as otherwise provided by law, and shall receive any gift or contribution to the fund.

(2) The state treasurer shall retain money in the fund at the close of the fiscal year, and shall not return that money to the general fund.

(3) The department shall expend 75% of money in the fund at the close of the fiscal year to offset, on a pro rata basis, each fee described in sections 11a, 11b, and 11c for the following year.

(4) The department shall expend money in the water supply fund only to implement this act and the administrative rules promulgated under this act.

**History:** Add. 1993, Act 165, Imd. Eff. Sept. 16, 1993

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**325.1012 Laboratory capability to test for contaminants.**

Sec. 12.

The department shall maintain a laboratory capability to test for those contaminants in water which are included in the state drinking water standards and any other contaminant which may be of concern to the director.

**History:** 1976, Act 399, Imd. Eff. Jan. 4, 1977

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**325.1013 "Product" defined; rules; product standards; certification as prima facie evidence of meeting standards; list; supplying information for review; failure to comply; hearing; prohibition.**

Sec. 13.

(1) As used in this section, "product" means any chemical or substance added to a public water supply, any materials used in the manufacture of public water supply components or appurtenances, or any pipe, storage tank, valve, fixture, or other materials which come in contact with water intended for use in a public water supply.

(2) The department may promulgate rules setting standards of quality, composition, safety, or design of products. Until the department promulgates rules setting standards for products, all products that may come in contact with water intended for use in a public water supply shall meet American national standards institute/national sanitation foundation standards, specifically ANSI/NSF standard 60-1988 and ANSI/NSF standard 61-1988 which are hereby incorporated by reference. Adoption of a product standard by rule supersedes the standard incorporated by reference in this section.

(3) Only products that meet the standards provided for in subsection (2) shall be used by a supplier of water in a public water supply. Certification that a product meets the standards provided for in subsection (2) by a laboratory accredited by American national standards institute to test and certify products shall be prima facie evidence that a product meets the standards. The department shall make a list of products meeting the standards available at no charge.

(4) A supplier of water shall compile and maintain on file for inspection by the department a list of all products used by the supplier of water. Prior to using a product not previously listed, a supplier of water shall either determine that the product has been certified in accordance with subsections (2) and (3) or shall notify the department of the type, name, and manufacturer of a product.

(5) Upon request of the department, a supplier of water shall, prior to making use of a product, supply to the department all documents and materials, including samples of a product, needed to review the type, quality, and nature of a product that will come in contact with the public water supply. The supplier of water shall provide sufficient information to enable the department to determine whether a product meets the standard provided for in subsection (2).

(6) If a product is reviewed by the department and found not to comply with the standards provided for in subsection (2), the department shall notify the supplier of water and shall be given an opportunity to request a hearing on whether the product meets the standards. At a hearing, the supplier of water must demonstrate that the product meets the standards before the product can be used by the supplier of water.

(7) A person shall not willfully introduce or permit or allow the introduction of a product into a public water supply that has not first been determined by the department to meet standards provided for in subsection (2).

**History:** 1976, Act 399, Imd. Eff. Jan. 4, 1977 ;-- Am. 1993, Act 165, Imd. Eff. Sept. 16, 1993

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**325.1014 Reports; records; rules relating to consumer confidence reports; contents of report; applicability of subsection (3); availability of report on internet.**

Sec. 14.

(1) A supplier of water shall file with the department such reports and shall maintain such records as the department may by rule require. The department may by rule require a supplier of water to provide additional reports and notices to its customers. The rules shall include the required content of the reports and notices and the frequency and the manner of delivery of the reports and notices.

(2) A supplier of water shall provide to its customers consumer confidence reports as required by title XIV of the public health service act, chapter 373, 88 Stat. 1660, popularly known as the safe drinking water act. The department shall promulgate rules relating to consumer confidence reports including, but not limited to, the following:

(a) The content of the reports.

(b) The manner of delivery of the reports.

(c) Standardized formats that may be used by suppliers of water for providing information in the reports.

(d) If a source water assessment has been completed, a requirement that the reports contain a notification of the availability of the source water assessment and the means to obtain a copy.

(3) If regulated contaminants are detected in a public water supply, and certain subpopulations are particularly vulnerable to the adverse effects because of age, gender, pregnancy, or preexisting medical conditions, the consumer confidence report or other reports and notices, or both, shall contain information related to all of the following:

- (a) The contaminant that was detected.
- (b) The level of the contaminant that was detected.
- (c) The vulnerable population that may be susceptible to the level of contaminant detected.
- (d) The potential adverse health effects associated with exposure of the vulnerable population to the level of contaminant detected in the water supply.
- (4) The requirement in subsection (3) shall only apply if the department provides suppliers of water with statements derived from the United States environmental protection agency or other sources determined by the department to be reliable concerning the adverse effects of regulated contaminants on vulnerable subpopulations. The statements shall be in a form that can be easily inserted into the consumer confidence reports or other reports and notices provided for in this section.
- (5) If feasible from a cost perspective, the department may make consumer confidence reports provided for under this section available at a single website on the internet.

**History:** 1976, Act 399, Imd. Eff. Jan. 4, 1977 ;-- Am. 1998, Act 56, Imd. Eff. Apr. 8, 1998

**Admin Rule:** R 325.10101; R 325.10102 et seq.; R 325.10308b; R 325.10401 et seq.; R 325.10604a et seq.; R 325.10702 et seq.; R 325.11002; R 325.11008; R 325.11502 et seq. of the Michigan Administrative Code.

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**325.1015 Protection of public health; notice to supplier of water; inspection of waterworks system; order; public hearing; emergency order; action limiting water system expansion or water use.**

Sec. 15.

(1) When considered necessary for protection of the public health, the department shall notify a supplier of water of the need to make changes in operations, to provide treatment, to make structural changes in existing systems, or to add additional capacity as necessary to produce and distribute an adequate quantity of water meeting the state drinking water standards.

(2) The department shall inspect a waterworks system or a part of a waterworks system, and the manner of operation of the system or part. If upon inspection the department determines the waterworks system to be inadequate or so operated as to not adequately protect the public health, the department may order the supplier of water to make alterations in the waterworks system or its method of operation as may be required or considered advisable by the department to assure the public water supply is adequate, healthful, and in conformance with state drinking water standards. If the supplier does not request a public hearing within 30 days after receipt of the order, the order shall be final and binding on the supplier of water. If the department receives a request for a public hearing within the specified 30 days, the public hearing shall be immediately arranged. A supplier of water shall comply with a final order of the department.

(3) If a public water supply poses an imminent hazard to the public health, the department may issue an emergency order immediately, without notice or hearing, requiring such action as the department determines is necessary to protect the public health. Normal administrative procedures as required by the administrative procedures act of 1969, Act No. 306 of the Public Acts of 1969, as amended, being sections 24.201 to 24.328 of the Michigan Compiled Laws, shall proceed

concurrently with an emergency order upon written request of the supplier of water received within 15 days. An emergency order shall be effective immediately and binding until modified or rescinded by the department or a court of competent jurisdiction.

(4) The department may take appropriate action to limit water system expansion or limit water use from a public water supply until such time as satisfactory improvements are made in the system or operation to provide for a continuous, adequate supply of water meeting the state drinking water standards.

**History:** 1976, Act 399, Imd. Eff. Jan. 4, 1977 ;-- Am. 1993, Act 165, Imd. Eff. Sept. 16, 1993

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### **325.1016 Agreements, contracts, or cooperative arrangements for purpose of administering act; grants of money or other aid; use and receipt of funds.**

Sec. 16.

(1) The department may enter into agreements, contracts, or cooperative arrangements under terms and conditions appropriate with other state agencies, federal agencies, interstate agencies, political subdivisions, educational institutions, local health departments, or other organizations or individuals for the purpose of administering this act. The department may solicit and receive grants of money or other aid from federal and other public or private agencies or individuals for the administration of this act, or a portion thereof, to conduct research and training activities or cause them to be conducted, to cause waterworks systems or portions thereof to be constructed, or for other program purposes.

(2) The department may use funds appropriated to implement this act to provide loan or grant assistance to public water supplies for an activity which furthers the objectives of this act. The department may require matching funds from a public water supply when the department is providing loan or grant assistance.

(3) The department may receive funds from another agency and pass through funds to persons eligible for funding assistance where applicable and consistent with this act and title XIV of the public health service act, chapter 373, 88 Stat. 1660.

**History:** 1976, Act 399, Imd. Eff. Jan. 4, 1977 ;-- Am. 1998, Act 56, Imd. Eff. Apr. 8, 1998

**Admin Rule:** R 325.12801 et seq. of the Michigan Administrative Code.

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### **325.1017 Bottled drinking water.**

Sec. 17.

(1) A person engaged in producing bottled drinking water shall utilize a water source meeting the requirements of this act. Bottling or packaging facilities and their operation shall remain under the supervision of the Michigan department of agriculture as provided for in the Michigan food law of 1968, Act No. 39 of the Public Acts of 1968, as amended, being sections 289.701 to 289.727 of the Michigan Compiled Laws and regulation no. 549, being sections R285.549.1 through R285.549.29 of the Michigan administrative code, and other pertinent rules and laws.

(2) A person producing bottled drinking water from an out-of-state source shall submit proof to the director that the source and bottling facilities were approved by the agency having jurisdiction. The director may withhold approval of the bottled water if the other agency's inspection, surveillance, and approval procedures and techniques are determined to be inadequate.

**History:** 1976, Act 399, Imd. Eff. Jan. 4, 1977 ;-- Am. 1993, Act 165, Imd. Eff. Sept. 16, 1993

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### **325.1018 Water haulers; license; source of water; water quality.**

Sec. 18.

Water haulers shall obtain an annual license from the department for their containers, equipment, and operation. The source of water shall be acceptable to the department and the water quality shall meet the state drinking water standards.

**History:** 1976, Act 399, Imd. Eff. Jan. 4, 1977

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### **325.1019 Noncompliance with state drinking water standards; notification of users; litigation.**

Sec. 19.

(1) If water delivered by or the operation of a public water supply is found not to be in compliance with the state drinking water standards, the department shall require the supplier of water to notify its users of the extent and nature of the noncompliance. Notification of users shall be in a form and manner prescribed or otherwise approved by the department.

(2) Notification received pursuant to this section or information obtained from the notification may not be used against a person in a litigation, except a prosecution for perjury or for giving a false statement.

**History:** 1976, Act 399, Imd. Eff. Jan. 4, 1977

**Admin Rule:** R 325.10101; R 325.10102 et seq.; R 325.10308b; R 325.10401 et seq.; R 325.10604a et seq.; R 325.10702 et seq.; R 325.11002; R 325.11008; R 325.11502 et seq. of the Michigan Administrative Code.

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### **325.1020 Variances or exemptions.**

Sec. 20.

The department may authorize variances or exemptions from the state drinking water standards in accordance with Public Law 93-523 (1974) and the federal rules and regulations.

**History:** 1976, Act 399, Imd. Eff. Jan. 4, 1977

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**325.1021 Violation as misdemeanor; penalty.**

Sec. 21.

A person who violates this act or the rules promulgated hereunder or an order issued pursuant to this act is guilty of a misdemeanor and shall be punished by a fine of not more than \$5,000.00 for each day of violation, or by imprisonment for not more than 1 year, or both.

**History:** 1976, Act 399, Imd. Eff. Jan. 4, 1977

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**325.1022 Enforcement of act, rules, or orders; penalty.**

Sec. 22.

At the request of the department, the attorney general may bring an injunctive action or other appropriate action in the name of the people of the state to enforce this act, rules promulgated under this act, or an order issued pursuant to this act or the rules. In addition to other relief granted under this section, the court may impose a civil penalty of not more than \$5,000.00 for each day of violation.

**History:** 1976, Act 399, Imd. Eff. Jan. 4, 1977

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**325.1023 Conditional effective date.**

Sec. 23.

This act shall not take effect unless House Bill No. 6251 of the 1976 regular session of the legislature is enacted into law.

**History:** 1976, Act 399, Imd. Eff. Jan. 4, 1977

**Compiler's Notes:** House Bill No. 6251, referred to in this section, became P.A. 1976, No. 369, Eff. Mar. 31, 1977.

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